

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

GS Holistic, LLC v. Crows Landing Smoke Shop, Inc.

No. 1:22-cv-01454-JLT-SAB, Order (E.D. Cal. Mar. 17, 2023) · No. 1:22-cv-01454-JLT-SAB · Decided March 17, 2023

SUMMARY

This is a court order issued by a United States Magistrate Judge in the Eastern District of California. It orders the parties to show cause in writing why sanctions should not be imposed for their failure to file a joint scheduling report as previously required. The order also continues the mandatory scheduling conference and sets a deadline for compliance.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
DECIDED	March 17, 2023
DOCKET	1:22-cv-01454-JLT-SAB
DISPOSITION	other
PROCEDURAL POSTURE	The district court issued an order to show cause after the parties failed to file a required joint scheduling report, and continued the initial scheduling conference.
PRECEDENTIAL VALUE	unpublished and nonprecedential order

TOPICS

sanctions civil procedure

PRACTICE AREAS

civil procedure federal court practice

QUESTIONS PRESENTED

- Whether the parties should be required to show cause why sanctions, including monetary sanctions or dismissal, should not issue for failure to comply with the court's order requiring a joint scheduling report.
- Whether the initial scheduling conference should be continued.

HOLDINGS

1. Under Eastern District of California Local Rule 110 and the court's inherent docket-control authority, failure to comply with court rules or orders may warrant sanctions, including monetary sanctions or dismissal; the parties therefore must show cause why sanctions should not issue for failing to file the required joint scheduling report.

KEY QUOTATIONS

“Failure of counsel or of a party to comply with these Rules or with any order of the Court may be grounds for imposition by the Court of any and all sanctions ... within the inherent power of the Court.” (at 1)

FACTUAL BACKGROUND

GS Holistic, LLC filed the action on November 9, 2022. The court ordered the parties to file a joint scheduling report at least seven days before the mandatory scheduling conference. The parties failed to file the report by March 16, 2023, and plaintiff instead filed a motion to strike all affirmative defenses in the answer.

PROCEDURAL HISTORY

Plaintiff initiated the action on November 9, 2022. The court initially set a mandatory scheduling conference for February 14, 2023, later continued it to March 23, 2023, and required the parties to file a joint scheduling report by March 16, 2023. No joint report was filed; instead, plaintiff filed a motion to strike affirmative defenses. The court ordered the parties to show cause why sanctions should not issue and continued the scheduling conference to April 6, 2023.

DISPOSITION

other

CASES CITED

- Bautista v. Los Angeles County, 216 F.3d 837, 841 (9th Cir. 2000)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 GS HOLISTIC, LLC, Case No. 1:22-cv-01454-JLT-SAB 12 Plaintiff,
ORDER TO SHOW CAUSE IN WRITING WHY SANCTIONS SHOULD NOT ISSUE FOR 13
v. FAILURE TO COMPLY AND CONTINUING MANDATORY SCHEDULING
CONFERENCE 14 CROWS LANDING SMOKE SHOP, TO APRIL 6, 2023 INC., et al., 15 (ECF
No. 6) Defendants.

16 DEADLINE: MARCH 22, 2023 17 18 Plaintiff GS Holistic, LLC initiated this action on
November 9, 2022. (ECF No. 1.) The 19 mandatory scheduling conference was initially set for
February 14, 2023. (ECF No. 3.) On 20 January 24, 2023, the Court issued an order requiring
Plaintiff to file a status report on service 21 and readiness for the scheduling conference.

(ECF No. 4.) Following submission of Plaintiff's 22 response, the Court continued the scheduling conference to March 23, 2023. (ECF No. 6.) The 23 parties were reminded they must file a joint scheduling report no later than seven days prior to the 24 conference, that is, by March 16, 2023. (Id.)

The parties did not, however, file a joint report on 25 March 16, 2023; instead, Plaintiff filed a motion to strike all affirmative defenses in the answer.¹ 26 (ECF No. 10.) 27 Local Rule 110 provides that "[f]ailure of counsel or of a party to comply with these Rules 28 1 Defendant answered the complaint on February 23, 2023. (ECF No. 9.) 1 | or with any order of the Court may be grounds for imposition by the Court of any and all 2 | sanctions... within the inherent power of the Court." The Court has the inherent power to 3 | control its docket and may, in the exercise of that power, impose sanctions where appropriate, 4 | including dismissal of the action.

Bautista v. Los Angeles Cnty., 216 F.3d 837, 841 (9th Cir. 5 | 2000). 6 The Court shall therefore require the parties to show cause in writing why sanctions 7 | should not issue for the failure to file a joint scheduling report in compliance with the Court's 8 | January 31, 2023 order. (ECF No. 6.) Further, the Court shall continue the hearing on the initial 9 | scheduling conference.

10 Accordingly, IT IS HEREBY ORDERED that: 11 1. The parties shall show cause in writing no later than March 22, 2023, why 12 sanctions, including monetary sanctions or dismissal, should not issue for the 13 failure to file a joint scheduling report as required by the Court's January 31, 2023 14 order; 15 2.

The initial scheduling conference is CONTINUED to April 6, 2023 at 10:30 a.m., 16 in Courtroom 9; 17 3. The parties shall file a joint scheduling report at least seven (7) days prior to the 18 scheduling conference; and 19 4. Failure to comply with this order will result in the issuance of sanctions. 20 IT IS SO ORDERED. DAM Le 22 | Dated: _March 17, 2023 _ Of 33 UNITED STATES MAGISTRATE JUDGE 24 25 26 27 28